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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,363

03/29/2004

Kevin J. Chiarenza

2094

7590

09/22/2004

Irving Keschner
Suite 1150
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EXAMINER

NGUYEN, TRAN N

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/811,363

Applicant(s)

CHIARENZA, KEVIN J.

Examiner

Tran N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over **claims 1-4 of copending Application No. 10/457318** (which is already allowed) in view of Richter (US 4,371,801) or alternately Fujinaka et al (US 5,973,426).

This is a provisional obviousness-type double patenting rejection.

claims 1-4 of copending Application No. 10/457318 claimed a substantially similar motor having:

a stator member having external and internal surfaces, said external surface having a notch portion for receiving a coil positioned therein, said internal surface having first and second

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corrugations formed along said longitudinal axis and a first annular groove positioned between said first and second corrugations; and

a first rotor disk having a first set of a plurality of magnets formed in the circumference thereon, said magnets passing within said first annular groove when said rotor is rotated with respect to said stator;

said internal surface of said stator member having a second annular groove, said second set of magnets passing within said second annular groove when said second rotor is rotated with respect to said stator;

wherein said first and second disk rotors are adjacent to each other, said first set of plurality of magnets are opposed in polarity to said second set of plurality of magnets; and, said first set and second set of plurality of magnets are offset.

copending Application No. 10/457318 substantially claims the same invention, except for the following:

(a) the stator is a cylindrically shaped stator;

(2) the external surface having first and second spaced notch portions for receiving first and second coils, respectively, positioned therein, said internal surface having first and second corrugations formed along said longitudinal axis and a first annular groove and a second positioned between said first and second corrugations; and

a first rotor magnet disk being aligned with said first coil passing within said first annular groove and a second rotor magnet disk being aligned with said second coil passing within said second annular groove when said rotor is rotated with respect to said stator.

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Richter, or Fujinaka, each individual ref teaches a motor structure having a plurality of rotor disks and a plurality of corresponding stator elements and coil portions respectively, wherein the coil of each of the stator sections would be assigned respectively to the multiple phases to be electrically driven by an electronic control circuit in accordance with the induced multiphase voltage. . Thus, those skills in the art would understand that the construction of multi-stator elements and their respective coils in corresponding to multi-rotor disk portions would enable the multiphase operation of the machine.

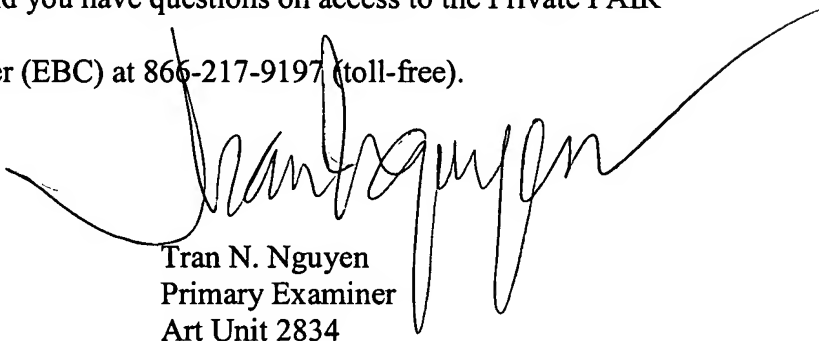
Hence, it would have been obvious to one skilled in the art at the time the invention was made to modify the **copending Application No. 10/457318** claimed invention by configuring the stator with a first and second notch portions for first and second stator coils in corresponding to first and second magnet rotor disks, as taught by either Richter or Fujinaka. Doing so would enable the stator coils to be driven and control so that the machine would be able to be operated as multiphase machine. Furthermore, a stator assembly with multiple stator sections, i.e., stator core portions and their respective coil thereof, is well known in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is (571) 272-2030. The examiner can normally be reached on M-F 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tran N. Nguyen
Primary Examiner
Art Unit 2834